

1 director, instructor or other person employed in any park
2 district and such supervisor, director, instructor or
3 other employee is upon the grounds of the park or grounds
4 adjacent thereto, or is in any part of a building used
5 for park purposes;

6 (5) Knows the individual harmed to be a caseworker,
7 investigator, or other person employed by the State
8 Department of Public Aid, a County Department of Public
9 Aid, or the Department of Human Services (acting as
10 successor to the Illinois Department of Public Aid under
11 the Department of Human Services Act) and such
12 caseworker, investigator, or other person is upon the
13 grounds of a public aid office or grounds adjacent
14 thereto, or is in any part of a building used for public
15 aid purposes, or upon the grounds of a home of a public
16 aid applicant, recipient, or any other person being
17 interviewed or investigated in the employee's discharge
18 of his duties, or on grounds adjacent thereto, or is in
19 any part of a building in which the applicant, recipient,
20 or other such person resides or is located;

21 (6) Knows the individual harmed to be a peace
22 officer, a community policing volunteer, a correctional
23 institution employee, an employee of the Department of
24 Human Services supervising or controlling sexually
25 dangerous persons or sexually violent persons, or a
26 fireman while such officer, volunteer, employee or
27 fireman is engaged in the execution of any official
28 duties including arrest or attempted arrest, or to
29 prevent the officer, volunteer, employee or fireman from
30 performing official duties, or in retaliation for the
31 officer, volunteer, employee or fireman performing
32 official duties, and the battery is committed other than
33 by the discharge of a firearm;

34 (7) Knows the individual harmed to be an emergency

1 medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical technician -
3 paramedic, ambulance driver, other medical assistance,
4 first aid personnel, or hospital emergency room personnel
5 engaged in the performance of any of his or her official
6 duties, or to prevent the emergency medical technician -
7 ambulance, emergency medical technician - intermediate,
8 emergency medical technician - paramedic, ambulance
9 driver, other medical assistance, first aid personnel, or
10 hospital emergency room personnel from performing
11 official duties, or in retaliation for performing
12 official duties;

13 (8) Is, or the person battered is, on or about a
14 public way, public property or public place of
15 accommodation or amusement;

16 (9) Knows the individual harmed to be the driver,
17 operator, employee or passenger of any transportation
18 facility or system engaged in the business of
19 transportation of the public for hire and the individual
20 assaulted is then performing in such capacity or then
21 using such public transportation as a passenger or using
22 any area of any description designated by the
23 transportation facility or system as a vehicle boarding,
24 departure, or transfer location;

25 (10) Knowingly and without legal justification and
26 by any means causes bodily harm to an individual of 60
27 years of age or older;

28 (11) Knows the individual harmed is pregnant;

29 (12) Knows the individual harmed to be a judge whom
30 the person intended to harm as a result of the judge's
31 performance of his or her official duties as a judge;

32 (13) Knows the individual harmed to be an employee
33 of the Illinois Department of Children and Family
34 Services engaged in the performance of his authorized

1 duties as such employee;

2 (14) Knows the individual harmed to be a person who
3 is physically handicapped;

4 (15) Knowingly and without legal justification and
5 by any means causes bodily harm to a merchant who detains
6 the person for an alleged commission of retail theft
7 under Section 16A-5 of this Code. In this item (15),
8 "merchant" has the meaning ascribed to it in Section
9 16A-2.4 of this Code;

10 (16) Is, or the person battered is, in any building
11 or other structure used to provide shelter or other
12 services to victims or to the dependent children of
13 victims of domestic violence pursuant to the Illinois
14 Domestic Violence Act of 1986 or the Domestic Violence
15 Shelters Act, or the person battered is within 500 feet
16 of such a building or other structure while going to or
17 from such a building or other structure. "Domestic
18 violence" has the meaning ascribed to it in Section 103
19 of the Illinois Domestic Violence Act of 1986. "Building
20 or other structure used to provide shelter" has the
21 meaning ascribed to "shelter" in Section 1 of the
22 Domestic Violence Shelters Act; or

23 (17) Knows the individual harmed to be an employee
24 of a police or sheriff's department engaged in the
25 performance of his or her official duties as such
26 employee; or -

27 (18) Knows the individual harmed to be a sports
28 official or coach at any level of competition and the act
29 causing harm to the sports official or coach occurred
30 within an athletic facility or within the immediate
31 vicinity of the athletic facility at which the sports
32 official or coach was an active participant in the
33 athletic contest held at the athletic facility. For the
34 purposes of this paragraph (18), "sports official" means

1 a person at an athletic contest who enforces the rules of
2 the contest, such as an umpire or referee, and "coach"
3 means a person recognized as a coach by the sanctioning
4 authority that conducted the athletic contest.

5 For the purpose of paragraph (14) of subsection (b) of
6 this Section, a physically handicapped person is a person who
7 suffers from a permanent and disabling physical
8 characteristic, resulting from disease, injury, functional
9 disorder or congenital condition.

10 (c) A person who administers to an individual or causes
11 him to take, without his consent or by threat or deception,
12 and for other than medical purposes, any intoxicating,
13 poisonous, stupefying, narcotic, anesthetic, or controlled
14 substance commits aggravated battery.

15 (d) A person who knowingly gives to another person any
16 food that contains any substance or object that is intended
17 to cause physical injury if eaten, commits aggravated
18 battery.

19 (d-3) A person commits aggravated battery when he or she
20 knowingly and without lawful justification shines or flashes
21 a laser gunsight or other laser device that is attached or
22 affixed to a firearm, or used in concert with a firearm, so
23 that the laser beam strikes upon or against the person of
24 another.

25 (d-5) An inmate of a penal institution or a sexually
26 dangerous person or a sexually violent person in the custody
27 of the Department of Human Services who causes or attempts to
28 cause a correctional employee of the penal institution or an
29 employee of the Department of Human Services to come into
30 contact with blood, seminal fluid, urine, or feces, by
31 throwing, tossing, or expelling that fluid or material
32 commits aggravated battery. For purposes of this subsection
33 (d-5), "correctional employee" means a person who is employed
34 by a penal institution.

1 (e) Sentence.

2 Aggravated battery is a Class 3 felony, except a
3 violation of subsection (a) is a Class 2 felony when the
4 person knows the individual harmed to be a peace officer
5 engaged in the execution of any of his or her official
6 duties, or the battery is to prevent the officer from
7 performing his or her official duties, or in retaliation for
8 the officer performing his or her official duties.

9 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;
10 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.
11 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865,
12 eff. 1-3-03; revised 1-9-03.)

13 (720 ILCS 5/21-9 new)

14 Sec. 21-9. Criminal trespass to the playing field of a
15 professional sports team.

16 (a) A person commits the offense of criminal trespass to
17 the playing field of a professional sports team when he or
18 she knowingly and without lawful authority enters or remains
19 on the playing field of a professional sports team after
20 having received notice that entry to the playing field is
21 forbidden.

22 (b) A person has received notice within the meaning of
23 subsection (a) if he or she has been notified personally,
24 either orally or in writing, or if a printed or written
25 notice forbidding such entry has been conspicuously posted or
26 exhibited at the entrance to the playing field.

27 (c) Criminal trespass to the playing field of a
28 professional sports team is a Class 4 felony.

29 Section 10. The Unified Code of Corrections is amended
30 by changing Section 5-5-3 as follows:

31 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 Sec. 5-5-3. Disposition.

2 (a) Every person convicted of an offense shall be
3 sentenced as provided in this Section.

4 (b) The following options shall be appropriate
5 dispositions, alone or in combination, for all felonies and
6 misdemeanors other than those identified in subsection (c) of
7 this Section:

8 (1) A period of probation.

9 (2) A term of periodic imprisonment.

10 (3) A term of conditional discharge.

11 (4) A term of imprisonment.

12 (5) An order directing the offender to clean up and
13 repair the damage, if the offender was convicted under
14 paragraph (h) of Section 21-1 of the Criminal Code of
15 1961.

16 (6) A fine.

17 (7) An order directing the offender to make
18 restitution to the victim under Section 5-5-6 of this
19 Code.

20 (8) A sentence of participation in a county impact
21 incarceration program under Section 5-8-1.2 of this Code.

22 Whenever an individual is sentenced for an offense based
23 upon an arrest for a violation of Section 11-501 of the
24 Illinois Vehicle Code, or a similar provision of a local
25 ordinance, and the professional evaluation recommends
26 remedial or rehabilitative treatment or education, neither
27 the treatment nor the education shall be the sole disposition
28 and either or both may be imposed only in conjunction with
29 another disposition. The court shall monitor compliance with
30 any remedial education or treatment recommendations contained
31 in the professional evaluation. Programs conducting alcohol
32 or other drug evaluation or remedial education must be
33 licensed by the Department of Human Services. However, if
34 the individual is not a resident of Illinois, the court may

1 accept an alcohol or other drug evaluation or remedial
2 education program in the state of such individual's
3 residence. Programs providing treatment must be licensed
4 under existing applicable alcoholism and drug treatment
5 licensure standards.

6 In addition to any other fine or penalty required by law,
7 any individual convicted of a violation of Section 11-501 of
8 the Illinois Vehicle Code or a similar provision of local
9 ordinance, whose operation of a motor vehicle while in
10 violation of Section 11-501 or such ordinance proximately
11 caused an incident resulting in an appropriate emergency
12 response, shall be required to make restitution to a public
13 agency for the costs of that emergency response. Such
14 restitution shall not exceed \$500 per public agency for each
15 such emergency response. For the purpose of this paragraph,
16 emergency response shall mean any incident requiring a
17 response by: a police officer as defined under Section 1-162
18 of the Illinois Vehicle Code; a fireman carried on the rolls
19 of a regularly constituted fire department; and an ambulance
20 as defined under Section 4.05 of the Emergency Medical
21 Services (EMS) Systems Act.

22 Neither a fine nor restitution shall be the sole
23 disposition for a felony and either or both may be imposed
24 only in conjunction with another disposition.

25 (c) (1) When a defendant is found guilty of first degree
26 murder the State may either seek a sentence of
27 imprisonment under Section 5-8-1 of this Code, or where
28 appropriate seek a sentence of death under Section 9-1 of
29 the Criminal Code of 1961.

30 (2) A period of probation, a term of periodic
31 imprisonment or conditional discharge shall not be
32 imposed for the following offenses. The court shall
33 sentence the offender to not less than the minimum term
34 of imprisonment set forth in this Code for the following

1 offenses, and may order a fine or restitution or both in
2 conjunction with such term of imprisonment:

3 (A) First degree murder where the death
4 penalty is not imposed.

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

7 (D) A violation of Section 401.1 or 407 of the
8 Illinois Controlled Substances Act, or a violation
9 of subdivision (c)(1) or (c)(2) of Section 401 of
10 that Act which relates to more than 5 grams of a
11 substance containing heroin or cocaine or an analog
12 thereof.

13 (E) A violation of Section 5.1 or 9 of the
14 Cannabis Control Act.

15 (F) A Class 2 or greater felony if the
16 offender had been convicted of a Class 2 or greater
17 felony within 10 years of the date on which the
18 offender committed the offense for which he or she
19 is being sentenced, except as otherwise provided in
20 Section 40-10 of the Alcoholism and Other Drug Abuse
21 and Dependency Act.

22 (G) Residential burglary, except as otherwise
23 provided in Section 40-10 of the Alcoholism and
24 Other Drug Abuse and Dependency Act.

25 (H) Criminal sexual assault, except as
26 otherwise provided in subsection (e) of this
27 Section.

28 (I) Aggravated battery of a senior citizen.

29 (J) A forcible felony if the offense was
30 related to the activities of an organized gang.

31 Before July 1, 1994, for the purposes of this
32 paragraph, "organized gang" means an association of
33 5 or more persons, with an established hierarchy,
34 that encourages members of the association to

1 perpetrate crimes or provides support to the members
2 of the association who do commit crimes.

3 Beginning July 1, 1994, for the purposes of
4 this paragraph, "organized gang" has the meaning
5 ascribed to it in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (K) Vehicular hijacking.

8 (L) A second or subsequent conviction for the
9 offense of hate crime when the underlying offense
10 upon which the hate crime is based is felony
11 aggravated assault or felony mob action.

12 (M) A second or subsequent conviction for the
13 offense of institutional vandalism if the damage to
14 the property exceeds \$300.

15 (N) A Class 3 felony violation of paragraph
16 (1) of subsection (a) of Section 2 of the Firearm
17 Owners Identification Card Act.

18 (O) A violation of Section 12-6.1 of the
19 Criminal Code of 1961.

20 (P) A violation of paragraph (1), (2), (3),
21 (4), (5), or (7) of subsection (a) of Section
22 11-20.1 of the Criminal Code of 1961.

23 (Q) A violation of Section 20-1.2 of the
24 Criminal Code of 1961.

25 (R) A violation of Section 24-3A of the
26 Criminal Code of 1961.

27 (S) A violation of Section 11-501(c-1)(3) of
28 the Illinois Vehicle Code.

29 (3) A minimum term of imprisonment of not less than
30 5 days or 30 days of community service as may be
31 determined by the court shall be imposed for a second
32 violation committed within 5 years of a previous
33 violation of Section 11-501 of the Illinois Vehicle Code
34 or a similar provision of a local ordinance. In the case

1 of a third or subsequent violation committed within 5
2 years of a previous violation of Section 11-501 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance, a minimum term of either 10 days of
5 imprisonment or 60 days of community service shall be
6 imposed.

7 (4) A minimum term of imprisonment of not less than
8 10 consecutive days or 30 days of community service shall
9 be imposed for a violation of paragraph (c) of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.1) A minimum term of 30 consecutive days of
12 imprisonment, 40 days of 24 hour periodic imprisonment or
13 720 hours of community service, as may be determined by
14 the court, shall be imposed for a violation of Section
15 11-501 of the Illinois Vehicle Code during a period in
16 which the defendant's driving privileges are revoked or
17 suspended, where the revocation or suspension was for a
18 violation of Section 11-501 or Section 11-501.1 of that
19 Code.

20 (4.2) Except as provided in paragraph (4.3) of this
21 subsection (c), a minimum of 100 hours of community
22 service shall be imposed for a second violation of
23 Section 6-303 of the Illinois Vehicle Code.

24 (4.3) A minimum term of imprisonment of 30 days or
25 300 hours of community service, as determined by the
26 court, shall be imposed for a second violation of
27 subsection (c) of Section 6-303 of the Illinois Vehicle
28 Code.

29 (4.4) Except as provided in paragraph (4.5) and
30 paragraph (4.6) of this subsection (c), a minimum term of
31 imprisonment of 30 days or 300 hours of community
32 service, as determined by the court, shall be imposed for
33 a third or subsequent violation of Section 6-303 of the
34 Illinois Vehicle Code.

1 (4.5) A minimum term of imprisonment of 30 days
2 shall be imposed for a third violation of subsection (c)
3 of Section 6-303 of the Illinois Vehicle Code.

4 (4.6) A minimum term of imprisonment of 180 days
5 shall be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle
7 Code.

8 (5) The court may sentence an offender convicted of
9 a business offense or a petty offense or a corporation or
10 unincorporated association convicted of any offense to:

11 (A) a period of conditional discharge;

12 (B) a fine;

13 (C) make restitution to the victim under
14 Section 5-5-6 of this Code.

15 (5.1) In addition to any penalties imposed under
16 paragraph (5) of this subsection (c), and except as
17 provided in paragraph (5.2) or (5.3), a person convicted
18 of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 90
21 days but not more than one year, if the violation
22 resulted in damage to the property of another person.

23 (5.2) In addition to any penalties imposed under
24 paragraph (5) of this subsection (c), and except as
25 provided in paragraph (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the
27 Illinois Vehicle Code shall have his or her driver's
28 license, permit, or privileges suspended for at least 180
29 days but not more than 2 years, if the violation resulted
30 in injury to another person.

31 (5.3) In addition to any penalties imposed under
32 paragraph (5) of this subsection (c), a person convicted
33 of violating subsection (c) of Section 11-907 of the
34 Illinois Vehicle Code shall have his or her driver's

1 license, permit, or privileges suspended for 2 years, if
2 the violation resulted in the death of another person.

3 (6) In no case shall an offender be eligible for a
4 disposition of probation or conditional discharge for a
5 Class 1 felony committed while he was serving a term of
6 probation or conditional discharge for a felony.

7 (7) When a defendant is adjudged a habitual
8 criminal under Article 33B of the Criminal Code of 1961,
9 the court shall sentence the defendant to a term of
10 natural life imprisonment.

11 (8) When a defendant, over the age of 21 years, is
12 convicted of a Class 1 or Class 2 felony, after having
13 twice been convicted in any state or federal court of an
14 offense that contains the same elements as an offense now
15 classified in Illinois as a Class 2 or greater Class
16 felony and such charges are separately brought and tried
17 and arise out of different series of acts, such defendant
18 shall be sentenced as a Class X offender. This paragraph
19 shall not apply unless (1) the first felony was committed
20 after the effective date of this amendatory Act of 1977;
21 and (2) the second felony was committed after conviction
22 on the first; and (3) the third felony was committed
23 after conviction on the second. A person sentenced as a
24 Class X offender under this paragraph is not eligible to
25 apply for treatment as a condition of probation as
26 provided by Section 40-10 of the Alcoholism and Other
27 Drug Abuse and Dependency Act.

28 (9) A defendant convicted of a second or subsequent
29 offense of ritualized abuse of a child may be sentenced
30 to a term of natural life imprisonment.

31 (10) When a person is convicted of violating
32 Section 11-501 of the Illinois Vehicle Code or a similar
33 provision of a local ordinance, the following penalties
34 apply when his or her blood, breath, or urine was .16 or

1 more based on the definition of blood, breath, or urine
2 units in Section 11-501.2 or that person is convicted of
3 violating Section 11-501 of the Illinois Vehicle Code
4 while transporting a child under the age of 16:

5 (A) For a first violation of subsection (a) of
6 Section 11-501, in addition to any other penalty
7 that may be imposed under subsection (c) of Section
8 11-501: a mandatory minimum of 100 hours of
9 community service and a minimum fine of \$500.

10 (B) For a second violation of subsection (a)
11 of Section 11-501, in addition to any other penalty
12 that may be imposed under subsection (c) of Section
13 11-501 within 10 years: a mandatory minimum of 2
14 days of imprisonment and a minimum fine of \$1,250.

15 (C) For a third violation of subsection (a) of
16 Section 11-501, in addition to any other penalty
17 that may be imposed under subsection (c) of Section
18 11-501 within 20 years: a mandatory minimum of 90
19 days of imprisonment and a minimum fine of \$2,500.

20 (D) For a fourth or subsequent violation of
21 subsection (a) of Section 11-501: ineligibility for
22 a sentence of probation or conditional discharge and
23 a minimum fine of \$2,500.

24 (11) The court shall impose a minimum fine of
25 \$1,000 for a first offense and \$2,000 for a second or
26 subsequent offense upon a person convicted of or placed
27 on supervision for battery when the individual harmed was
28 a sports official or coach at any level of competition
29 and the act causing harm to the sports official occurred
30 within an athletic facility or within the immediate
31 vicinity of the athletic facility at which the sports
32 official or coach was an active participant of the
33 athletic contest held at the athletic facility. For the
34 purposes of this paragraph (11), "sports official" means

1 a person at an athletic contest who enforces the rules of
2 the contest, such as an umpire or referee and "coach"
3 means a person recognized as a coach by the sanctioning
4 authority that conducted the sporting event.

5 (d) In any case in which a sentence originally imposed
6 is vacated, the case shall be remanded to the trial court.
7 The trial court shall hold a hearing under Section 5-4-1 of
8 the Unified Code of Corrections which may include evidence of
9 the defendant's life, moral character and occupation during
10 the time since the original sentence was passed. The trial
11 court shall then impose sentence upon the defendant. The
12 trial court may impose any sentence which could have been
13 imposed at the original trial subject to Section 5-5-4 of the
14 Unified Code of Corrections. If a sentence is vacated on
15 appeal or on collateral attack due to the failure of the
16 trier of fact at trial to determine beyond a reasonable doubt
17 the existence of a fact (other than a prior conviction)
18 necessary to increase the punishment for the offense beyond
19 the statutory maximum otherwise applicable, either the
20 defendant may be re-sentenced to a term within the range
21 otherwise provided or, if the State files notice of its
22 intention to again seek the extended sentence, the defendant
23 shall be afforded a new trial.

24 (e) In cases where prosecution for criminal sexual
25 assault or aggravated criminal sexual abuse under Section
26 12-13 or 12-16 of the Criminal Code of 1961 results in
27 conviction of a defendant who was a family member of the
28 victim at the time of the commission of the offense, the
29 court shall consider the safety and welfare of the victim and
30 may impose a sentence of probation only where:

31 (1) the court finds (A) or (B) or both are
32 appropriate:

33 (A) the defendant is willing to undergo a
34 court approved counseling program for a minimum

1 duration of 2 years; or

2 (B) the defendant is willing to participate in
3 a court approved plan including but not limited to
4 the defendant's:

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

9 (iv) restitution for harm done to the
10 victim; and

11 (v) compliance with any other measures
12 that the court may deem appropriate; and

13 (2) the court orders the defendant to pay for the
14 victim's counseling services, to the extent that the
15 court finds, after considering the defendant's income and
16 assets, that the defendant is financially capable of
17 paying for such services, if the victim was under 18
18 years of age at the time the offense was committed and
19 requires counseling as a result of the offense.

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members
24 or commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

27 For the purposes of this Section, "family member" and
28 "victim" shall have the meanings ascribed to them in Section
29 12-12 of the Criminal Code of 1961.

30 (f) This Article shall not deprive a court in other
31 proceedings to order a forfeiture of property, to suspend or
32 cancel a license, to remove a person from office, or to
33 impose any other civil penalty.

34 (g) Whenever a defendant is convicted of an offense

1 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
2 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
3 12-15 or 12-16 of the Criminal Code of 1961, the defendant
4 shall undergo medical testing to determine whether the
5 defendant has any sexually transmissible disease, including a
6 test for infection with human immunodeficiency virus (HIV) or
7 any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Any such medical test
9 shall be performed only by appropriately licensed medical
10 practitioners and may include an analysis of any bodily
11 fluids as well as an examination of the defendant's person.
12 Except as otherwise provided by law, the results of such test
13 shall be kept strictly confidential by all medical personnel
14 involved in the testing and must be personally delivered in a
15 sealed envelope to the judge of the court in which the
16 conviction was entered for the judge's inspection in camera.
17 Acting in accordance with the best interests of the victim
18 and the public, the judge shall have the discretion to
19 determine to whom, if anyone, the results of the testing may
20 be revealed. The court shall notify the defendant of the test
21 results. The court shall also notify the victim if requested
22 by the victim, and if the victim is under the age of 15 and
23 if requested by the victim's parents or legal guardian, the
24 court shall notify the victim's parents or legal guardian of
25 the test results. The court shall provide information on the
26 availability of HIV testing and counseling at Department of
27 Public Health facilities to all parties to whom the results
28 of the testing are revealed and shall direct the State's
29 Attorney to provide the information to the victim when
30 possible. A State's Attorney may petition the court to obtain
31 the results of any HIV test administered under this Section,
32 and the court shall grant the disclosure if the State's
33 Attorney shows it is relevant in order to prosecute a charge
34 of criminal transmission of HIV under Section 12-16.2 of the

1 Criminal Code of 1961 against the defendant. The court shall
2 order that the cost of any such test shall be paid by the
3 county and may be taxed as costs against the convicted
4 defendant.

5 (g-5) When an inmate is tested for an airborne
6 communicable disease, as determined by the Illinois
7 Department of Public Health including but not limited to
8 tuberculosis, the results of the test shall be personally
9 delivered by the warden or his or her designee in a sealed
10 envelope to the judge of the court in which the inmate must
11 appear for the judge's inspection in camera if requested by
12 the judge. Acting in accordance with the best interests of
13 those in the courtroom, the judge shall have the discretion
14 to determine what if any precautions need to be taken to
15 prevent transmission of the disease in the courtroom.

16 (h) Whenever a defendant is convicted of an offense
17 under Section 1 or 2 of the Hypodermic Syringes and Needles
18 Act, the defendant shall undergo medical testing to determine
19 whether the defendant has been exposed to human
20 immunodeficiency virus (HIV) or any other identified
21 causative agent of acquired immunodeficiency syndrome (AIDS).
22 Except as otherwise provided by law, the results of such test
23 shall be kept strictly confidential by all medical personnel
24 involved in the testing and must be personally delivered in a
25 sealed envelope to the judge of the court in which the
26 conviction was entered for the judge's inspection in camera.
27 Acting in accordance with the best interests of the public,
28 the judge shall have the discretion to determine to whom, if
29 anyone, the results of the testing may be revealed. The court
30 shall notify the defendant of a positive test showing an
31 infection with the human immunodeficiency virus (HIV). The
32 court shall provide information on the availability of HIV
33 testing and counseling at Department of Public Health
34 facilities to all parties to whom the results of the testing

1 are revealed and shall direct the State's Attorney to provide
2 the information to the victim when possible. A State's
3 Attorney may petition the court to obtain the results of any
4 HIV test administered under this Section, and the court
5 shall grant the disclosure if the State's Attorney shows it
6 is relevant in order to prosecute a charge of criminal
7 transmission of HIV under Section 12-16.2 of the Criminal
8 Code of 1961 against the defendant. The court shall order
9 that the cost of any such test shall be paid by the county
10 and may be taxed as costs against the convicted defendant.

11 (i) All fines and penalties imposed under this Section
12 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance,
14 and any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected
16 and disbursed by the circuit clerk as provided under Section
17 27.5 of the Clerks of Courts Act.

18 (j) In cases when prosecution for any violation of
19 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
20 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
21 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
22 12-16 of the Criminal Code of 1961, any violation of the
23 Illinois Controlled Substances Act, or any violation of the
24 Cannabis Control Act results in conviction, a disposition of
25 court supervision, or an order of probation granted under
26 Section 10 of the Cannabis Control Act or Section 410 of the
27 Illinois Controlled Substance Act of a defendant, the court
28 shall determine whether the defendant is employed by a
29 facility or center as defined under the Child Care Act of
30 1969, a public or private elementary or secondary school, or
31 otherwise works with children under 18 years of age on a
32 daily basis. When a defendant is so employed, the court
33 shall order the Clerk of the Court to send a copy of the
34 judgment of conviction or order of supervision or probation

1 to the defendant's employer by certified mail. If the
2 employer of the defendant is a school, the Clerk of the Court
3 shall direct the mailing of a copy of the judgment of
4 conviction or order of supervision or probation to the
5 appropriate regional superintendent of schools. The regional
6 superintendent of schools shall notify the State Board of
7 Education of any notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is
9 convicted of a felony and who has not been previously
10 convicted of a misdemeanor or felony and who is sentenced to
11 a term of imprisonment in the Illinois Department of
12 Corrections shall as a condition of his or her sentence be
13 required by the court to attend educational courses designed
14 to prepare the defendant for a high school diploma and to
15 work toward a high school diploma or to work toward passing
16 the high school level Test of General Educational Development
17 (GED) or to work toward completing a vocational training
18 program offered by the Department of Corrections. If a
19 defendant fails to complete the educational training required
20 by his or her sentence during the term of incarceration, the
21 Prisoner Review Board shall, as a condition of mandatory
22 supervised release, require the defendant, at his or her own
23 expense, to pursue a course of study toward a high school
24 diploma or passage of the GED test. The Prisoner Review
25 Board shall revoke the mandatory supervised release of a
26 defendant who wilfully fails to comply with this subsection
27 (j-5) upon his or her release from confinement in a penal
28 institution while serving a mandatory supervised release
29 term; however, the inability of the defendant after making a
30 good faith effort to obtain financial aid or pay for the
31 educational training shall not be deemed a wilful failure to
32 comply. The Prisoner Review Board shall recommit the
33 defendant whose mandatory supervised release term has been
34 revoked under this subsection (j-5) as provided in Section

1 3-3-9. This subsection (j-5) does not apply to a defendant
2 who has a high school diploma or has successfully passed the
3 GED test. This subsection (j-5) does not apply to a defendant
4 who is determined by the court to be developmentally disabled
5 or otherwise mentally incapable of completing the educational
6 or vocational program.

7 (k) A court may not impose a sentence or disposition for
8 a felony or misdemeanor that requires the defendant to be
9 implanted or injected with or to use any form of birth
10 control.

11 (l) (A) Except as provided in paragraph (C) of
12 subsection (l), whenever a defendant, who is an alien as
13 defined by the Immigration and Nationality Act, is
14 convicted of any felony or misdemeanor offense, the court
15 after sentencing the defendant may, upon motion of the
16 State's Attorney, hold sentence in abeyance and remand
17 the defendant to the custody of the Attorney General of
18 the United States or his or her designated agent to be
19 deported when:

20 (1) a final order of deportation has been
21 issued against the defendant pursuant to proceedings
22 under the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct
25 and would not be inconsistent with the ends of
26 justice.

27 Otherwise, the defendant shall be sentenced as
28 provided in this Chapter V.

29 (B) If the defendant has already been sentenced for
30 a felony or misdemeanor offense, or has been placed on
31 probation under Section 10 of the Cannabis Control Act or
32 Section 410 of the Illinois Controlled Substances Act,
33 the court may, upon motion of the State's Attorney to
34 suspend the sentence imposed, commit the defendant to the

1 custody of the Attorney General of the United States or
2 his or her designated agent when:

3 (1) a final order of deportation has been
4 issued against the defendant pursuant to proceedings
5 under the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct
8 and would not be inconsistent with the ends of
9 justice.

10 (C) This subsection (1) does not apply to offenders
11 who are subject to the provisions of paragraph (2) of
12 subsection (a) of Section 3-6-3.

13 (D) Upon motion of the State's Attorney, if a
14 defendant sentenced under this Section returns to the
15 jurisdiction of the United States, the defendant shall be
16 recommitted to the custody of the county from which he or
17 she was sentenced. Thereafter, the defendant shall be
18 brought before the sentencing court, which may impose any
19 sentence that was available under Section 5-5-3 at the
20 time of initial sentencing. In addition, the defendant
21 shall not be eligible for additional good conduct credit
22 for meritorious service as provided under Section 3-6-6.

23 (m) A person convicted of criminal defacement of
24 property under Section 21-1.3 of the Criminal Code of 1961,
25 in which the property damage exceeds \$300 and the property
26 damaged is a school building, shall be ordered to perform
27 community service that may include cleanup, removal, or
28 painting over the defacement.

29 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
30 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
31 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,
32 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
33 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.
34 7-19-02.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".